

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

This Document Relates to:
All Cases

MDL No. 1:13-md-2419-FDS

JOINT EMERGENCY MOTION OF THE CHAPTER 11 TRUSTEE, THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS AND THE PLAINTIFFS' STEERING COMMITTEE TO EXTEND TIME TO FILE PROPOSED MEDIATION ORDER

The Chapter 11 Trustee (the “Trustee”) appointed in the chapter 11 case (the “Chapter 11 Case”) of New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center (“NECC” or the “Debtor”), the Plaintiffs’ Steering Committee appointed in this case (the “PSC”) and the Official Committee of Unsecured Creditors appointed in the Chapter 11 Case (the “Official Committee” and together with the Trustee and the PSC, the “Movants”), by and through their undersigned counsel, hereby file this emergency motion (the “Motion”) for an extension of time until August 5, 2013 to file a proposed mediation order (the “Proposed Mediation Order”) as required by CMO No. 6 (as defined below). In support of this Motion, the Movants respectfully state as follows:

1. On June 28, 2013, this Court entered MDL Order No. 6 titled “Case Management Order” (“CMO No. 6”) [Dkt. No. 209]. Pursuant to CMO No. 6, the Trustee, the Official Committee, and the PSC were to confer and submit “to the Court within 30 days a proposed mediation order to be entered in this Court and the Bankruptcy Court concerning all unaffiliated defendants and non-parties.” See CMO No. 6 at 10.

2. Pursuant to CMO No. 6, the deadline to submit the Proposed Mediation Order is today, July 29, 2013.¹

3. The Movants request an extension of the deadline to August 5, 2013, in order to continue discussions regarding the Proposed Mediation Order. The goal of the Movants is to submit a Proposed Mediation Order, agreed-to between them, to this Court for consideration, comment and input by defendants and approval by the Court. The Movants have been in good faith discussions as to the Proposed Mediation Order, and the Movants believe that an additional week will enable them complete their discussions and submit the Proposed Mediation Order to this Court.

WHEREFORE, the Movants respectfully requests that the Court (i) rule on this Motion on an emergency basis and extend the time to file the Proposed Mediation Order until August 5, 2013 or (ii) schedule a hearing on the Motion at its earliest convenience, and (iii) extend the time for the Movants to file the Proposed Mediation Order until ruling on this Motion.

¹ Pursuant to Fed. R. Civ. P. 6(a)(1)(C), as the thirtieth day after June 28, 2013 was Sunday, July 28, 2013, the deadline became Monday, July 29, 2013. See Fed. R. Civ. P. 6(a)(1)(C).

Dated: July 29, 2013
Boston, Massachusetts

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*Counsel to the Official Committee of
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CERTIFICATE OF SERVICE

I, Carol S. Ennis, hereby certify that on July 29, 2013, I caused a copy of the Joint Emergency Motion of the Chapter 11 Trustee, the Official Committee of Unsecured Creditors and the Plaintiffs' Steering Committee to Extend Time to File Proposed Mediation Order to be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants, by first class mail, postage prepaid.

Dated: July 29, 2013
New York, New York

/s/ Carol S. Ennis
Carol S. Ennis